

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

**TYRONE HENDERSON,
on behalf of himself and others
similarly situated,**

Plaintiff,

v.

Civil Action No: 3:12cv109

INSTANT CHECKMATE LLC,

Defendant.

NOTICE

COMES NOW, the Plaintiff Tyrone Henderson, on behalf of himself and similarly situated individuals, to notify the court that he shall file an Amended Complaint consistent with Fed. R. Civ. P. 15(a)(1)(B). On this matter, the Plaintiff has conferred with counsel for the Defendant, which filed a Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(6) on April 13, 2012. (Docket No. 7). Under Rule 15(a)(1)(B), the Plaintiff may amend the Complaint as a matter of course within 21 days of the filing of the Defendant's Rule 12(b)(6) motion, which he intends to do thus mooted the pending motion to dismiss. The filing of an Amended Complaint will not prejudice Defendant's ability to file a new motion under Rule 12 as appropriate.

Respectfully Submitted,

TYRONE HENDERSON,
For himself and on behalf of all
similarly situated individuals.

/s/

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CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of April, 2012, I will file the foregoing motion electronically using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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